

1 Teresa M. Corbin (SBN 132360)  
Denise M. De Mory (SBN 168076)  
2 Jaclyn C. Fink (SBN 217913)  
HOWREY LLP  
3 525 Market Street, Suite 3600  
San Francisco, California 94105  
4 Telephone: (415) 848-4900  
Facsimile: (415) 848-4999

5 Attorneys for Plaintiff SYNOPSYS, INC.  
6 and for Defendants AEROFLEX INCORPORATED,  
AEROFLEX COLORADO SPRINGS, INC.,  
7 AMI SEMICONDUCTOR, INC., MATROX  
ELECTRONIC SYSTEMS, LTD., MATROX  
8 GRAPHICS, INC., MATROX INTERNATIONAL  
CORP., and MATROX TECH, INC.

9 UNITED STATES DISTRICT COURT  
10  
11 NORTHERN DISTRICT OF CALIFORNIA  
12  
13 SAN FRANCISCO DIVISION

14 RICOH COMPANY, LTD.,

15 Plaintiff,

16 vs.

17 AEROFLEX INCORPORATED, AMI  
SEMICONDUCTOR, INC., MATROX  
18 ELECTRONIC SYSTEMS LTD., MATROX  
GRAPHICS INC., MATROX  
19 INTERNATIONAL CORP., and MATROX  
TECH, INC.,

20 Defendants.

21 SYNOPSYS, INC.,

22 Plaintiff,

23 vs.

24 RICOH COMPANY, LTD.,

25 Defendant.

Case No. C03-4669 MJJ (EMC)

Case No. C03-2289 MJJ (EMC)

**DECLARATION OF VINCENT M. DeLUCA  
IN SUPPORT OF REPLY TO MOTION TO  
STAY**

Judge: Hon. Martin J. Jenkins

Date: April 19, 2006

Time: 9:00 a.m.

Ctrm: 11, 19<sup>th</sup> Floor

1 I, Vincent M. DeLuca, declare as follows:

2 1. I am an attorney at law licensed to practice in the Commonwealth of Virginia and the  
3 District of Columbia and a Partner of the law firm of Novak Druce & Quigg, LLP. I am also registered  
4 to practice before the United States Patent and Trademark Office (“USPTO”). The matters set forth in  
5 this declaration are based upon my personal knowledge, except where otherwise indicated, and if  
6 called as a witness, I could and would testify competently thereto.

7 2. Shortly after filing a reexamination request on January 17, 2006 for U.S. Patent No.  
8 4,922,432, I received a call from Gary Hoffman, of Dickstein Shapiro Morin & Oshinsky. As the  
9 pretense for his call, Mr. Hoffman requested that all future PTO filings with regard to the  
10 reexamination request be directed to him, instead of to his local counsel in California.

11 3. Mr. Hoffman then attempted to engage me in conversation unrelated to the  
12 reexamination request that had been filed, including a discussion of the fact that he knew one of my  
13 law firm partners.

14 4. Shortly before the call ended, Mr. Hoffman said, as best I can recall, “I assume that you  
15 filed the reexamination request on behalf of Synopsys.”

16 5. I responded that I could not stop him from making assumptions, but that the request was  
17 filed anonymously, and I was not at liberty to identify the party or parties on whose behalf the request  
18 was filed.

19 6. I did not indicate, suggest or otherwise agree with Mr. Hoffman’s assumption that the  
20 request had been filed on behalf of Synopsys.

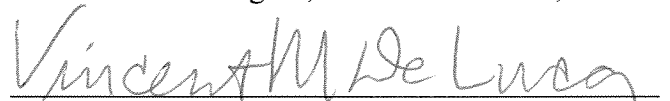
21 7. The reexamination statute (35 U.S.C. § 302) and the implementing regulations (37  
22 C.F.R. §§ 1.510 *et seq.*) permit a reexamination request to be filed by “any person at any time.” The  
23 USPTO has explicitly interpreted the statute as permitting a request for reexamination to be filed by  
24 “attorneys without identification of their real client in interest.” Manual of Patent Examining  
25 Procedure (“MPEP”), § 2212.

26 8. Moreover, it is the policy of our firm to treat the identity of the requestor in an  
27 anonymously filed request such as this strictly confidential in accordance with the statutory  
28 presumption of confidentiality that follows such requests. I adhered to that policy in this case.

1           9. By statute (35 U.S.C. § 305), the USPTO is required to conduct all reexamination  
2 proceedings “with special dispatch.” The USPTO’s policy is to issue a first Office action on the merits  
3 of the reexamination within one month of the due date for any initial submission by the Patent Owner  
4 after a reexamination has been ordered (MPEP § 2261).

5           10. In July 2005, the USPTO announced the implementation of new processes for handling  
6 reexamination proceedings to improve timeliness and quality. Under the new initiative, 20 highly  
7 skilled primary examiners who have a full understanding of reexamination practice and relevant case  
8 law will concentrate solely on reexamination. The 20-examiner unit began operation in July 2005.  
9 According to the USPTO announcement, all future reexamination proceedings will be completed  
10 within a specific timeframe, which is expected to be less than two years; additionally, to ensure the  
11 quality of reexamination proceedings, all reexamination decisions now require a thorough review by a  
12 panel of supervisors and senior patent examiners. According to the Honorable Jon W. Dudas, Under  
13 Secretary of Commerce for Intellectual Property and Director of the United States Patent and  
14 Trademark Office, “using skilled examiners assigned to a single unit will enhance the quality and  
15 reduce the time of reexaminations by allowing the USPTO to monitor more effectively the  
16 reexamination operations.” July 29, 2005 Press Release.

17           I declare under penalty of perjury under the laws of the United States of America that the  
18 foregoing is true and correct. This declaration was executed in Washington, D.C. on March 21, 2006.

19 

20 Vincent M. DeLuca  
21  
22  
23  
24  
25  
26  
27  
28